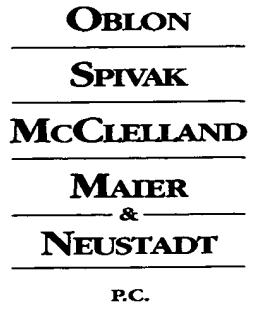




Docket No.: 248143US2



ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/763,182

Applicants: Yohichiro MATSUNO, et al.

Filing Date: January 26, 2004

For: MERGE INFORMATION PROVIDER

Group Art Unit: 2167

Examiner: TIMBLIN, R. M.

SIR:

Attached hereto for filing are the following papers:

**RESPONSE TO RESTRICTION REQUIREMENT**

Our credit card payment form in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

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DOCKET NO: 248143US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
YOHICHIROH MATSUNO, ET AL. : EXAMINER: TIMBLIN, R. M.  
SERIAL NO: 10/763,182 :  
FILED: JANUARY 26, 2004 : GROUP ART UNIT: 2167  
FOR: MERGE INFORMATION :  
PROVIDER

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated October 2, 2006, Applicants hereby provisionally elect with traverse Group I, Claims 1-7, 19-21, 25-31, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62-66, 77-79, 81, 83-88, 100, 103, 105, 111, 113, 116, 119, and 121 drawn to a merge information providing apparatus classified in class 707, subclass 104.1, for further examination on the merits. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Restriction Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful of

Application No. 10/763,182  
Reply to Office Action of October 2, 2006

sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group and species be withdrawn, and that a full examination on the merits of Claims 1-123 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
\_\_\_\_\_  
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RESTRICTION.DOC